

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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MAR 16 2015

SC Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable W. Jeffrey Young, Circuit Court Judge

C.A. No.: 2013-CP-43-02284
Appellate Case No.: 2014-002215

Arrowpoint Capital Corporation/Arrowood Indemnity Co , CarrierAppellant,

v.

South Carolina Second Injury Fund, Carrier Respondent,

In re

Mary McConico, Employee/Claimant

v.

Yuasa-Exide, Inc., Employer and Arrowpoint Capital Corp./Arrowood Indemnity Co.,

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal.

1. Order of The Honorable W. Jeffrey Young, Circuit Court Judge in the Court of Common Pleas, Third Judicial Circuit (September 5, 2014 and November 24, 2014);
2. Workers' Compensation Full Commission Decision and Order (November 21, 2013);

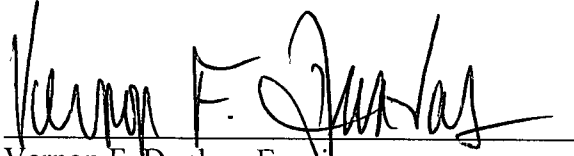
3. Hearing Commissioner's Decision and Order (December 19, 2012);
4. Settlement Agreement, Release and Order and Form 19 (October 26, 2010);
5. Form 50, Employer's Notice of Claim (November 16, 2010);
6. Form 54, Employer's Request for Hearing (October 31, 2011),
7. Form 55, Second Injury Fund's Answer to Employer's Request for Hearing (November 18, 2011);
8. Form 58, Employer's Pre-Hearing Brief (July 27, 2012);
9. Form 58, Second Injury Fund's Pre-Hearing Brief (August 2, 2012);
10. Form 30, Employer's Request for Commission Review (December 31, 2012),
11. Second Injury Fund's Request for Commission Review (December 26, 2012);
12. Transcript of hearing before Full Commission Appellate Panel (September 16, 2013),
13. Transcript of hearing before Hearing Commissioner (August 13, 2012);
14. Employer's APA Submissions (July 27, 2012),
 - A. Edward L. Baker, Jr, M.D., Second Injury Fund Medical Questionnaire (6/26/2011);
 - B. Employee Personal Consultation Disability Records (11/8/77 to 11/6/2000)
 - C. Eugene Shippen, M.D., Second Injury Fund Medical Questionnaire (5/31/2011);
 - D. L. Randolph Waid, Ph.D., Neuropsychological Evaluation of Claimant (9/2/2009);
 - E. J. Routt Reigart, M.D., Health Evaluation of Claimant;
 - F. Yuasa-Exide's Health History Documents and Medical Intake Records;
 - G. Claimant's Blood Lead Levels;
 - H. Claimant's Deposition Transcript;
 - I. Employee/Claimant Knowledge Affidavit;
 - J. Post-Employment Medical (disc) Records

15. Second Injury Fund's APA Submissions (August 2, 2012);
16. "Overview of Lead Cases" binder (presented to Hearing Commissioner (August 13, 2012);
 - A. Articles regarding lead
 1. Health Effects of Chronic Lead Exposure Among Employees of Exide Battery Production Plant – Sumter SC;
 2. Lead-related nephrotoxicity: A review of the epidemiologic evidence;
 3. Literature Review – Lead and Health Effects;
 4. Statistical Data Concerning Hypertension, Diabetes, Renal Kidney Failure, and Memory Loss in Society;
 5. Case Studies in Environmental Medicine – Lead Toxicity;
 - B. Yuasa-Exide (Industry) Regulations Lead Control Program;
 - C. Commission and Court cases involving *Lee Ernest Franklin*;
 1. Employee's Notice of Claim and/or Request for Hearing dated July 3, 2001;
 2. Decision and Order of Commissioner George N Funderburk dated June 10, 2005,
 3. Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission dated May 3, 2006;
 4. Decision and Order of Commissioner George N. Funderburk dated January 31, 2008;
 5. Decision of the Supreme Court of South Carolina, Opinion No · 26880 dated September 13, 2012,
17. Second Injury Fund Reimbursement Request Form.
18. S.C. Code § 42-9-400 (1999)

I certify that this designation contains no matter which is irrelevant to this appeal.

March ~~13~~, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vernon F. Dunbar", written over a horizontal line.

Vernon F. Dunbar, Esquire

S C. Bar No.: 7836

McAngus, Goudelock & Courie LLC

55 East Camperdown Way, Suite 300 (29601)

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Greenville, South Carolina 29602

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Attorneys for Appellant

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C.A. No.: 2013-CP-43-02284
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WCC File No.: 9930459

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v.

South Carolina Second Injury Fund, Carrier Respondent,

In re

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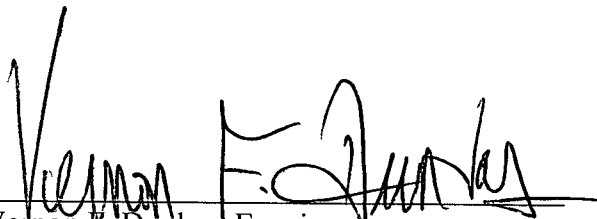
v.

Yuasa-Exide, Inc., Employer and Arrowpoint Capital Corp./Arrowood Indemnity Co.,

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on Timothy Killen, Attorney for the South Carolina Second Injury Fund by depositing a copy of it in the United States Mail, postage prepaid, on March 13,

2015, addressed to Timothy Killen, Wilson, Jones, Carter & Baxley, 4500 Fort Jackson
Boulevard, Columbia, South Carolina 29209.

A handwritten signature in black ink, appearing to read "Vernon F. Dunbar". The signature is written in a cursive style with a horizontal line underneath it.

Vernon F. Dunbar, Esquire

S.C. Bar No.: 7836

McAngus, Goudelock & Courie LLC

55 East Camperdown Way, Suite 300 (29601)

Post Office Box 2980

Greenville, South Carolina 29602

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Attorneys for Appellant

Reply To

VERNON F. DUNBAR
Direct Dial (864) 239-6735
vernon.dunbar@mgclaw.com

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Arrowpoint Capital Corporation v. SC Second Injury Fund
Mary McConico v. Yuasa-Exide and Arrowpoint Capital Corporation
Appellate Case No.: 2014-002215
Lower Court No : 2013-CP-43-02284
Our File No.: 20113.14073

Dear Ms. Kitchings:

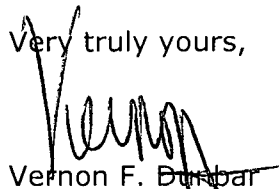
Please find enclosed an original and one (1) copy of Appellant's Initial Brief and Designation of Matters to be Included in the Record on Appeal in the above-referenced matter.

Please return a filed and stamped copy of these documents to me in the self-addressed, stamped envelope which I have enclosed for your use.

By copy of this letter to Timothy Killen, Attorney for Respondent, South Carolina Second Injury Fund, I am apprising him of my communication with you and serving a copy of same upon him.

With kind and warm regards, I remain

Very truly yours,



Vernon F. Dunbar

VFD/rhd

Enclosures: Initial Brief of Appellant
Designation of Matter to be Included in the Record on Appeal
Certificate of Service
SASE

cc: Timothy Killen, Wilson, Jones, Carter & Baxley (w/enclosures)
Eric Rowell, Arrowpoint Capital Corp (w/enclosures) **SENT VIA EMAIL**
Renee Wray, Arrowpoint Capital Corporation (w/enclosures) **SENT VIA EMAIL**

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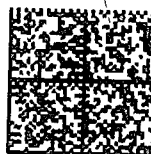
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Rosie Devoy
McAngus Goudelock & Courne
55 East Camperdown Way, Suite 300
Greenville SC 29601

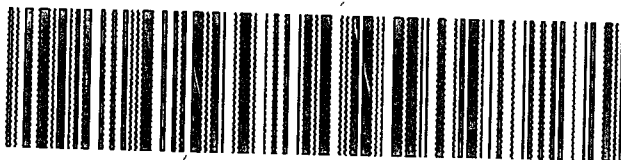
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Honorable Jenny A. Kitchings
South Carolina Court Of Appeals
1015 Sumter St
Columbia SC 29201-3726

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